

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 13, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman (arr @ 2:11 p.m.)

Joanne Bond, Commissioner
Jim Galloway, Commissioner
Ted Short, Commissioner

Nancy Parent, Chief Deputy County Clerk
Amy Harvey, County Clerk (arr @ 4:00 p.m.)

Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

01-213 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the agenda for the March 13, 2001, meeting be approved with the following changes: **Delete Item 6** Recognition of Nevada Taxpayers Association's Good Government Award to Brad Block; and **Continue Item 7K(4)** Second Amendment to Water Dedication Agreement between Washoe County, the Nell J. Redfield Foundation, and Southwest Pointe Associates, LLC concerning ArrowCreek Subdivision to March 27, 2001.

PUBLIC COMMENTS

Armour Demazo, Washoe County resident, expressed his concern about Washoe County's justice system.

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Commissioner Sferrazza arrived.

Sam Dehne, Reno citizen, sang a song concerning the railroad trench.

COMMISSIONERS' AND MANAGER'S COMMENTS

Commissioner Bond said the Sun Valley community is very frustrated at the lack of progress on the completion of the Sun Valley Park. The plants have not been put in, there are no picnic tables and no shades, but there are dying trees. The community sees how fast things are being completed in the surrounding communities and they are just baffled by the lack of progress at their park. Commissioner Bond requested information for the grant writing effort the Sun Valley community is putting together.

Commissioner Galloway requested that a memo outlining the disposition of Mr. Demazo's complaint be submitted to the Board.

Commissioner Short requested that a Storey County Commissioner be allowed to attend the scheduled workshop concerning water rights transfer and the Tahoe Industrial Park. He said Storey County has expressed concern about some of the Regional Transportation Committee's plans.

Chairman Shaw said since they went to Clark County and met with their Commissioners, he requests that Mrs. Singlaub schedule a similar joint meeting with the Storey County Commissioners to address some of their issues.

Commissioner Sferrazza requested an item be placed on a future agenda for the Board to request the Regional Water Planning Commission reconsider their determination not to conduct a study of the mercury in the Steamboat ditch.

01-214 SECOND QUARTERLY FINANCIAL REPORT FOR FISCAL YEAR 2000/2001 – COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Second Quarterly Financial Report, ending December 31, 2000, be accepted.

01-215 DONATION – MAGELLAN GLOBAL POSITIONING SYSTEM – BIG 5 SPORTING GOODS – SHERIFF'S DEPARTMENT

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the donation by Big 5 Sporting Goods of one new Magellan Global Positioning System (Make: Magellan, Model: GPS 310, Serial #0001394) with an approximate market value of \$129.99 be accepted.

**01-216 CASH DONATION – SWEENEY ROSE ARCHITECTS –
WITTENBERG HALL LIBRARY – JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the \$1,000 cash donation by Tim Sweeney, Sweeney Rose Architects for the Wittenberg Hall Library be accepted. It was further ordered that the Comptroller be directed to make the following account changes:

INCREASE	ACCOUNT	AMOUNT
12759D-5802	DONATIONS	\$1,000.00
12759D-7213	BOOKS/SUBSCRIPTIONS	\$1,000.00

**01-217 NEVADA WORKS GRANT – CULINARY JOB TRAINING
PROGRAM – JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the grant from Nevada Works to fund the Culinary Job Training Program for the Department of Juvenile Services, in the amount of \$43,650.00 be accepted. It was further ordered that the Comptroller be directed to make the following account changes:

INCREASE	ACCOUNT	AMOUNT
<i>Revenue Account:</i> 12972G-4301	Federal Grants	\$43,650.00
EXPENDITURE	ACCOUNTS	AMOUNT
12972G-7181	Contract Services (JOIN)	\$ 8,100.00
12972G-7376	Special Department Expenses (Scholarships)	\$30,900.00
12972G-7410	Youth Travel, (Bus Passes)	\$ 1,740.00
12972G-7277	Uniforms	\$ 360.00
12972G-7213	Books (Training Materials)	\$ 2,250.00
12972G-7250	Office Supplies, Copies	\$ 300.00
	TOTAL	\$43,650.00

**01-218 RETROACTIVE INTERFUND LOAN – GENERAL FUND –
TOXICOLOGY FUND – BUDGET**

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the interfund loan from the General Fund to the Toxicology Fund, in the amount of \$27,163.81 be approved, retroactive to July 2000.

01-219 TRANSFER OF APPROPRIATIONS – DISTRICT COURT BUDGET

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the appropriations transfer within the District Court Budget be approved, and the Comptroller be directed to make the following changes:

<i>District Court – Court Services Accounts</i>	<i>Decrease</i>	<i>Increase</i>
12122-7261 Postage	\$2,000.00	
12123-7103 Professional Services		\$2,000.00

01-220 BUDGET ADJUSTMENTS – COLLECTION DIVISION – FINANCE DEPARTMENT

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the following Collections Division Technology Upgrade budget adjustments be approved:

<i>Account</i>	<i>Description</i>	<i>Decrease</i>	<i>Increase</i>
920263-7326	Collections Tech Upgrades: Computer Services	\$3,000.00	
920263-7620	Collections Tech Upgrades: Travel		\$3,000.00

01-221 GENERAL FUND CARRYOVER – JUVENILE SERVICES DEPARTMENT – YOUTH PAROLE MANAGEMENT SERVICES PROFESSIONAL SERVICES – BUDGET

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Carryover Funding for Fiscal Year 1999/2000 for the Juvenile Services Department, in the amount of \$36,198.31 be approved. It was further ordered that the Comptroller be directed to make the associated transfers of funds and post the necessary journal entries required to obtain \$36,198.31 budget authority in 127184G-7103 Youth Parole Management Services Professional Services.

01-222 LETTER OF SUPPORT – WASHOE VALLEY CASEY RANCH – SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT PROGRAM – PARKS DEPARTMENT

Karen Mullen, Parks & Recreation Director, said the partners in this project are the Nevada Land Conservancy, the Bureau of Land Management, U.S. Forest Service, Nevada State Parks, Nevada Department of Wildlife, and the owners of the property Star 10. She advised the Board that the acquisition of the Casey Ranch is critical to wildlife habitat, to the preservation of open space and to the critical resources such as wetlands and meadowlands throughout the Washoe Valley area. Ms. Mullen noted

that round one has been authorized and approved for acquisition of approximately 450 acres. In round two there is a proposal to fund the properties behind Davis Creek Park, and in May during round three there will be an opportunity to pick up the remaining portion of this project.

Commissioner Galloway inquired if the sale of this land was for tax purposes. Ms. Mullen responded that the original estate was previously sold and all obligations had been met.

Commissioner Galloway said development was previously approved on a portion of this property. Madelyn Shipman, Legal Counsel, advised there was no approval of development on this property. The property owner had rights under the transition zoning to move forward with an application and that was held off for the purpose of attempting a trade.

Commissioner Short thanked everyone for their hard work on this property acquisition.

Commissioner Sferrazza asked how much they are paying per acre. Ms. Mullen said the appraisals are just being completed, and they would not pay higher than the appraisal. She advised that the appraisals should be reviewed and available within 60 days.

Gary Schmidt, area resident, said he supports this project and is very familiar with the area. He said acquisition of this property solidifies the access from Washoe Valley all the way up in to the Mt. Rose Corridor, which enhances the access into the area.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the letter supporting acquisition of Washoe Valley Casey Ranch by the U.S. Forest Service and the Bureau of Land Management through the Southern Nevada Public Land Management Act Program be approved and Chairman Shaw be authorized to execute.

**01-223 WATER RIGHTS DEED CORRECTION – WATER SALE
AGREEMENT – SOUTH RENO BAPTIST CHURCH – SIERRA
PACIFIC POWER COMPANY – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed of Correction between South Reno Baptist Church, Trustee in Trust, and Washoe County; and corresponding Amended Water Sale Agreement between Washoe County and Sierra Pa-

cific Power Company for 0.41 acre-feet of surface water rights from Claim 207 be approved; and

2. Chairman Shaw be authorized to execute the Water Rights Deed of Correction and Amended Water Sale Agreement.
3. The Utility Services Division Manager be directed to record the Water Rights Deed of Correction and Amended Water Sale Agreement with the Washoe County Recorder.

**01-224 WATER RIGHTS DEED – HILL LANE PROPERTIES LLC –
WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed for 4.04 acre-feet of ground water from a portion of Permit 49067 between Hill Lane Properties, LLC as Grantor and Washoe County as Grantee be approved; and
2. Chairman Shaw be authorized to execute the Water Rights Deed.
3. The Utility Services Division Manager be directed to record the Water Rights Deed with the Washoe County Recorder.

**01-225 WATER RIGHTS DEED – TAMARACK PARTNERS LLC –
WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Rights Deed for a total combined duty of 8.37 acre-feet of ground water rights from a portion of Permits 66326 and 66327 be approved; and
2. Chairman Shaw be authorized to execute the Water Rights Deed.
3. The Utility Services Division Manager be directed to record the Water Rights Deed with the Washoe County Recorder.

01-226

**REGIONAL WATER MANAGEMENT FUND – REGIONAL
WATER PLANNING COMMISSION – BASE CASE
CONSERVATION PROGRAM – WATER RESOURCES**

Upon recommendation of Steve Walker, Acting Water Management Planner, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the expenditure of \$35,000 from the Regional Water Management Fund to assist the Regional Water Planning Commission in implementing elements of the Base Case Conservation Program be approved. It was further ordered that Chairman Shaw be authorized to execute the amendment to the existing Independent Contractor Agreement to expand the scope of work.

01-227

**AGREEMENT – WATER SALE AGREEMENT – SIERRA
PACIFIC POWER COMPANY – RENO SPARKS CONVENTION
CENTER EXPANSION – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Water Sale Agreement between Washoe County and Sierra Pacific Power Company for 24.78 acre-feet of surface water rights from Permit 51468, further changed by Application 66916; and 8.22 acre-feet of surface water rights from Permit 51587, further changed by Application 66915; for a total of 33.00 acre-feet be approved; and
2. Chairman Shaw be authorized to execute the Water Sale Agreement.
3. The Utility Services Division Manager be directed to record the Water Sale Agreement with the Washoe County Recorder.

It was noted that on behalf of Reno-Sparks Convention and Visitors Authority, Washoe County holds certain water rights associated with the various golf courses and facilities operated by this entity. The 33.0 acre-feet of water rights described herein were allocated to a new 9-hole par course at Northgate Golf Course, which will not be constructed. Therefore, the water is surplus to the irrigation needs of Northgate Golf Course. Instead, these water rights will be utilized for the expansion of the Reno-Sparks Convention Center.

**01-228 SUBORDINATION AGREEMENT – GIOVANNI SELMI –
FRANCES SELMI – CECIL COURTNEY – LENA COURTNEY –
WILLIAM COURTNEY – CECIL COURTNEY JR. – WATER
RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that:

1. The Subordination Agreement between Giovanni Bruno Selmi, Frances M. Selmi, Cecil R. Courtney, Lena S. Courtney, William B. Courtney and Cecil R. Courtney, Jr., and Washoe County be approved; and
2. Chairman Shaw be authorized to execute the Subordination Agreement.
3. The Utility Services Division Manager be directed to record the Subordination Agreement with the Washoe County Recorder.

**01-229 AGREEMENT – CFA INC – NORTH VALLEY’S SPORTS
COMPLEX FIELD ADDITION – PUBLIC WORKS**

Upon recommendation of Anthony McMillen, P.E., through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Agreement with CFA, Inc. for architectural/engineering services for the new North Valley’s Sports Complex Field Addition in the amount of \$95,100.00 be approved and Chairman Shaw be authorized to execute the documents.

**01-230 AGREEMENT – CFA INC – SOUTH VALLEY’S SPORTS
COMPLEX FIELD IMPROVEMENTS – PUBLIC WORKS**

Upon recommendation of Anthony McMillen, P.E., through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Agreement with CFA, Inc. for architectural/engineering services for the South Valley’s Sports Complex Field Improvements in the amount of \$87,900.00 be approved and Chairman Shaw be authorized to execute the documents.

**01-231 APPOINTMENT – DAVID ROUNDTREE – SAFETY
COMMITTEE**

Upon recommendation of Kevin Chadwick, Risk Management Division, through John Sherman, Finance Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that David

Roundtree, Public Works Director, be appointed to the Safety Committee with a term to expire on July 31, 2002.

01-232 CORRECTION OF FACTUAL AND CLERICAL ERRORS ON TAX ROLLS – ASSESSOR

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

1998 Unsecured Roll

Manufacturer Finance--I.D. #2/191-920 [-\$1,344.35]

1999 Unsecured Roll

Manufacturer Finance--I.D. #2/191-920 [-\$1,111.17]

Freeport Assembly Services--I.D. #2/201-670 [-\$320.51]

AT&T Wireless--I.D. #2/472-096 [-\$267.94]

Gymnastics Nevada--I.D. #2/689-008 [-\$369.13]

2000 Unsecured Roll

Advanced Telecom Group--I.D.#2/102-754 [-\$2,387.40]

Community Service Agency Dev. Co.--I.D. 2/103-298 [-\$917.93]

Sierra Time Management Ltd--I.D. #2/105-014 [-\$280.67]

American Golf Corporation--I.D. #2/105-174 [-\$3,240.58]

Instant Smog Inc--I.D. #2/130-207 [-\$168.38]

Sunshine Performance Racing Eng--I.D. #2/130-295 [-\$21.44]

Joel M. Korotkin--I.D. #2/171-359 [-\$104.45]

Language Direct--I.D. #2/184-057 [-\$22.58]

AGFA Corporation--I.D. #2/190-062 [-\$903.66]

ICON Receivables 1997B LLC--I.D. #2/191-927 [-\$88.52]

O'Brien Rental--I.D. #2/192-065 [-\$61.47]

Rodeo Rock Cafe--I.D. #2/214-007 [-\$392.50]

Washoe Homes--I.D. #2/262-012 [-\$228.64]

Nevada Seal & Pump--I.D. #2/266-005 [-\$37.99]

Nationwide Sports Distributors--I.D. #2/291-041 [-\$2,407.92]

Creative Monogramming--I.D. #2/293-378 [-\$1,152.23]

Western Pacific Systems LLC--I.D. #2/308-521 [-\$120.00]

Kaufman & Broad of Reno Inc.--I.D. #2/463-401 [-\$643.56]

Ducore Inc.--I.D. #2/468-018 [-\$1,469.93]

Taylor Printing--I.D. #2/524-087 [-\$286.31]

2000 Secured Roll

Nevada Commercial Investments LLC--Parcel #013-051-22 [-\$3,154.87]

01-233 APPEARANCE – VERNON MCCARTY – CORONER

Vernon O. McCarty, Coroner, reviewed the statistical overview report he submitted to the Board. He said in the United States .8 percent of the population will die in a given year, and explained the process the Coroner's office follows when they respond to a death. Mr. McCarty briefly reviewed their relationship with the police departments and what information they want to receive from the Coroner's office. He said the data the Coroner's office creates actually sets the insurance rates in Washoe County. Mr. McCarty said when he first became Coroner in 1980 he saw one heroin overdose in an entire year, and last year there were one or more drug overdoses per week. He expressed his appreciation to the Board for their tremendous financial commitment to the toxicology laboratory services over the last two years.

Commissioner Bond requested that Mr. McCarty submit the category of ages for prescription and illicit overdoses.

In response to Commissioner Sferrazza's inquiry, Mr. McCarty said Nevada's population tends to be a little younger, so natural deaths are down while accidental/traumatic deaths are up. He advised that since the 1930's, Nevada and Washoe County consistently have led the nation in suicides; and that Nevada's suicide rate overall runs close to double the national suicide rate.

01-234 SETTLEMENT AGREEMENT – DRUM V. WOLFF ET AL – RISK MANAGEMENT

Upon recommendation of Raymond Sibley, Risk Management Division, through John Sherman, Finance Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Risk Manager be authorized to settle the matter of Drum v. Wolff, et al.

01-235 AWARD OF BID – COURTS COMPLEX SHERIFF'S HOLDING CELLS REMODEL – PWP-WA-2001-370 – PUBLIC WORKS

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno-Gazette Journal on January 31, 2001, for the Washoe County Courts Complex Sheriff's Holding Cells Remodel PWP-WA-2001-370, on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Bids were received from the following:

CONTRACTORS	BASE BID
ADVANCE INSTALLATIONS	\$406,300.00
BISON CONSTRUCTION	\$445,900.00
CENTRAL SIERRA CONSTRUCTION	\$405,000.00
K7 CONSTRUCTION	\$312,400.00
NORTHERN SIERRA CONSTRUCTION	\$333,330.00
ERIC ROBINSON CONSTRUCTION	\$320,000.00
SIERRA BUILDERS OF NEVADA	\$341,782.00
UNITED CONSTRUCTION CO.	\$308,000.00

Upon recommendation of Bob Hall, Architect, through Rodney Savini, P.E., Capital Projects Division Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that Washoe County Courts Complex Sheriff's Holding Cells Remodel, PWP-WA-2001-370, on behalf of the Public Works Department, be awarded to the low, responsive, responsible bidder, United Construction Company, in the amount of \$308,000.00. It was further ordered that Chairman Shaw be authorized to execute the contract documents for same, upon presentation.

01-236 OPERATION AND MAINTENANCE OF WHITE'S CREEK PARK
- GALENA COUNTRY ESTATES HOMEOWNERS
ASSOCIATION - PARKS DEPARTMENT

Pursuant to Commissioner Galloway's request at yesterday's Caucus, Karen Mullen, Parks & Recreation Director, advised that when she reviewed previous minutes concerning these types of projects there was only approval with no dialogue. The previous items related more to the acquisition and maintenance of the facilities. It is her understanding that the CC&R's do run with all parcels within that area. If Washoe County takes over the maintenance of Galena Park, the Homeowners Association would still be responsible for the maintenance of the landscape berm that runs along the Mt. Rose Highway and all of the landscape entrance areas and the median within the project.

Commissioner Sferrazza asked what happens to the parks construction tax being collected on the remaining lots as they are developed. Ms. Mullen said the parks construction tax goes into a Parks District fund and remains within that fund. They work with the CAB and the Park Commission on the priorities of where the funds are allocated. The CAB is aware of the priorities for future development, as far as phases in each of the parks, including this particular park.

Sam Macias, area resident, said the Galena Country Estates Homeowners Association has not been able to make any improvements in a long time because of costs associated with the upkeep of the park. The previous developer let the park go and the Homeowners Association has contributed \$75,000 to the upkeep of the park. They are at a point where they have to make a decision to either keep up the park and let the berm go or keep up the berm and let the park go. He said the upkeep of the park is completely destroying the Homeowners Association's budget. He advised that the Association's

dues are \$9.00 per month; and that they need 95 percent of the homeowners to agree to an increase in their dues, and he just does not see that happening.

Commissioner Short asked how many homes are in the Homeowners Association. Mr. Macias said about 201, and advised that they could not pay their water bill until they had collected their January dues.

Commissioner Galloway asked if the CC&R's allowed a pass-through of the cost of maintaining the park in excess of the Homeowners Association dues. Mr. Macias said he is not sure if they can do that or not. He said the Homeowners Association is responsible for the park, and they were told by the developers that they had to maintain the park. They contacted the Washoe County Parks Department who confirmed that directive.

Ms. Mullen advised that the Parks Department currently maintains Saddlehorn Park and Caughlin Ranch trails in the same manner White's Creek Park is requesting today.

Commissioner Galloway asked how much is spent maintaining these two areas. Ms. Mullen estimated on an annual basis, \$11,500 for Saddlehorn Park and \$8,500 for Caughlin Ranch trail system. She advised that Washoe County Parks Department does not maintain the park area for Caughlin Ranch, as that is within the City of Reno's boundary. She said they looked at the service area for White's Creek Park and there are 789 total lots within the service area for the park, but only 231 lots for the actual White's Creek Park.

Madelyn Shipman, Legal Counsel, disclosed that her step-daughter lives in Galena Country Estates. The County, today, could not require a developer to maintain a public park and the CC&R's for White's Creek Park (Shadow Ridge or Lancer Estates) provides that the Homeowners Association can be charged by the County. Ms. Shipman advised that there is landscape district law, currently being reworked this legislative session, which essentially provides districts can be administered through outside contract. She said there is a provision in the law that states if the County determined the Homeowners Association was not maintaining the park, median strips or the berms as required, the County could step in and create a district and assess the homeowners the cost of the required administration and insurance. She advised that the City of Reno Parks Department currently has maintenance districts and they hope to contract out all of the maintenance in the near future.

Commissioner Galloway said if the County decided to assess the homeowners some portion of the maintenance for this park, that would not be considered dues. Ms. Shipman responded that it is her opinion this would create a separate right on the part of the County that would take it outside of their dues.

Commissioner Bond stated since the berm has just been completed there is no track record as to what the cost of the maintenance will be. She is concerned about

doing this project piece meal and having the homeowners come back in a year saying they cannot maintain the berm either. Ms. Shipman said the only thing the County is authorized to do is assume maintenance of the park and charge back the Homeowners Association.

Commissioner Short said Washoe County only has title to the park, not to the berm and that should remain separate. Ms. Mullen said she is not sure if that is correct but she has been told that the Homeowners Association will continue to maintain the landscape and median areas.

Commissioner Galloway asked how many parks in Washoe County were built with residential construction tax and the cost to Washoe County for the maintenance of those parks. Ms. Mullen said there are approximately 60 parks but that normally Washoe County builds the parks and maintains them.

Commissioner Sferrazza asked if Washoe County Parks Department maintains any parks within the City of Reno. Ms. Mullen responded that she only knows of one park which is located in the Plumb Lane area that was recently annexed by the City of Reno.

Following further discussion, Commissioner Short moved that Washoe County Parks Department accept the operations and maintenance of White's Creek Park from the Galena Country Estates Homeowners Association; and that staff be directed to look at new legislation that may come forward that deals with this issue. Commissioner Bond seconded the motion.

Commissioner Sferrazza moved to amend the original motion to require that the Washoe County Parks Department charge-back the cost of maintenance to the Galena Country Estates Homeowners Association. Commissioner Galloway seconded the motion. Ms. Shipman advised that she based her previous legal advice on the CC&R's which could be subject to question by the Homeowners Association. The charge-back may have to be done by special assessment and would be a bill from the County to the Homeowners Association. Upon call for the original motion as amended, Commissioners Sferrazza, Galloway and Shaw voting "aye," with Commissioners Short and Bond voting "no," it was ordered that Washoe County Parks Department accept the operations and maintenance of White's Creek Park from the Galena Country Estates Homeowners Association; that staff be directed to look at new legislation which may come forward to deal with this issue; and that the Washoe County Parks Department charge-back the cost of maintenance to the Galena Country Estates Homeowners Association.

**01-237 ARBITRAGE LIABILITY FUNDS – GENERAL OBLIGATION
BUILDING BONDS/SHORT TERM BONDS – PUBLIC WORKS
CONSTRUCTION FUND – COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the excess arbitrage rebate contingency balances in the Arbitrage Liability Funds related to the \$7,025,000.00 General Obligation Building Bonds and \$4,500,000.00 General Obligation Short-Term Bonds be closed and the Comptroller's office be directed to transfer the remaining cash balances back to the Public Works Construction Fund.

**01-238 WASHOE COUNTY BUSINESS LICENSE ORDINANCE – ADULT
CHARACTERIZED BUSINESS SECTION – COMMUNITY
DEVELOPMENT**

Bob Webb, Planning Manager, Community Development, said staff is requesting direction from the Board concerning amendments to the Adult Characterized Business sections of the Washoe County Business License Ordinance and submitted proposed changes including the direction from the Board during the workshop and two meetings previously held. He said neither Ms. Hearne or Mr. Dagher, dba The Ore House, provided any reasons for their recommended amendments to this ordinance and requested that reasons be provided during discussion today. Mr. Webb advised the Board that he included with his staff report background on the City of Reno's ordinances concerning adult characterized businesses.

In response to Commissioner Galloway's inquiry, Madelyn Shipman, Legal Counsel, advised that unlimited gaming licenses are regulated by the State and do not allow for misdemeanors or other activity to occur without investigation by the State.

Commissioner Bond said the recommended changes do not address the physical constraints placed on the operations of adult characterized businesses by the County. Mr. Webb said those provisions are included in the Washoe County Code as part of the ordinance change attached to his staff report. He reviewed several of the changes that would effect The Ore House.

Ms. Shipman advised that the City of Reno does not require dancers to be employees nor do they have to obtain a work permit, although they do require independent contractors to obtain a business license, which does require a background investigation.

Debra Campbell, Records Management, Washoe County Sheriff's Department, advised that the process for a business license and work permit card is basically the same. The proposed ordinance says the applicant will be fingerprinted, which will then be sent to both the FBI and the State. The State return comes back in 7 to 14 days, however it can take 60 to 90 days for the Federal return. Ms. Campbell said the Sheriff's

Department issues a temporary permit the day the application is filed, provided there is nothing in the background locally that would disqualify them. The temporary permit is valid for 90 days and is not renewable. The Sheriff's Department is required to issue the permanent permit within 90 days, even if the background investigation is not complete. There is a revocation policy which allows them to revoke the permit if anything negative came back after the 90 days.

Treva Hearne, Attorney for The Ore House, advised that they had received the proposed changes to the ordinance. She stated they have submitted proposed changes, which they believe are appropriate based on discussions from the last meeting they attended. She submitted a drawing of the interior of The Ore House that shows the physical constraints the owners are under if they are made to comply with the current ordinance. Ms. Hearne advised that The Ore House will be forced to close if they are ordered to comply with the current requirements. She noted this is the only facility of its kind with this license in unincorporated Washoe County. Ms. Hearne said her understanding is, by the County's requirement, they are trying to make sure there is no opportunity for prostitution in a topless bar. Ms. Hearne stated that topless bars are protected by the first amendment and every time Washoe County passes a regulation which requires topless bars to be treated differently because of the content of the message (topless dancing), that may fly in the face of the first amendment. She suggested that the County not deal with the interior of The Ore House at all. Ms. Hearne stated that she spoke with several detectives from the Washoe County Sheriff's Department who work in the North Valley area and there have been no calls or problems at The Ore House. She did interview 4 or 5 women at several of the clubs in downtown Reno, and none of the women she interviewed, worked in that environment for more than 90 days. The Ore House requests the Board allow the dancers to remain as independent contractors and not require them to become employees. She said the dancers, typically, do not stay at these types of employment longer than 3 weeks and making them become employees involves a lot of paper work.

Commissioner Short commented that the drawing of the interior of The Ore House seems to imply that the requirements of the Code can be met. Ms. Hearne said The Ore House cannot comply physically because of the requirement for a permanent structure to be placed where the aisle is currently, which would then become a fire hazard. Mr. Webb said the code The Ore House is referring to has been in effect since 1999, and The Ore House was an existing non-conforming use and given one year to comply.

Ms. Shipman said the item on today's agenda is for the Board to review policy issues that have been raised before finalizing the ordinance. The Board cannot deal with The Ore House's situation unless it is in the form of changing the code, not by saying they can be relieved of a provision.

Commissioner Galloway went over the drawing submitted by Ms. Hearne of The Ore House's interior and said he believed the code's requirements could be met.

In response to Commissioner Galloway's inquiry, Ms. Shipman said there are numerous court cases upholding the regulations of not allowing table and lap dancing, which helps prevent the secondary effects i.e., prostitution, drug trafficking, etc. She said it was never a recommendation of staff that touching be allowed for obtaining money.

Commissioner Sferrazza said adult revues should be subject to the same requirements as adult characterized businesses. Mr. Webb said adult revues are regulated; but there are different restrictions on adult revues just like there are different restrictions on out-call adult cabarets and adult motion picture arcades.

Mark Dagher, owner, The Ore House, said he was issued a license under a certain set of terms and conditions and now the playing field has been changed. The locations that Mr. Webb proposed for adult characterized businesses are totally unfeasible. Mr. Dagher stated, if he had to place a four-foot aisle between the stage and the patrons, he would have to remove both the men and women's facilities, which would then be a code violation. Mr. Dagher stated that the City of Reno allows table dances, and casino shows have dancers who go into the audience and sit on people's laps. He asked why he is being singled out from those businesses.

Chairman Shaw said Mr. Dagher knew at the time he obtained the license his business was non-conforming. He does not believe this ordinance would put The Ore House out of business.

Gary Schmidt, area resident, said he has never been involved in operating an adult characterized business nor does he intend to become involved; that casino shows are not supposed to have performers touching the audience either but it happens. He said the County should not involve themselves in employee versus independent contractor issues, because it is outside of their purview.

Commissioner Sferrazza requested that the code be made gender neutral and specify human body parts.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that staff be directed to draft an amendment to the Washoe County Business License Ordinance (WCC §25.047 through §25.056) for future adoption including the proposed amendments 1 through 3 (as outlined below); that a variance process be established; and that dancers be allowed to be independent contractors with an adult interactive cabaret business license.

1. *Distance from selected public uses and residentially zoned property:* WCC §25.053(1) and (2). The Commission directed that the distance from an adult characterized business to residentially zoned property be increased to 1,000 feet. Staff also clarified the code section on distance to selected public uses to state that these uses must be established at the time of the license application and specified that day-care centers must be licensed.

2. *Zoning allowing adult characterized businesses: WCC §25.053(2).* The Commission directed that adult characterized businesses be allowed only on property with Industrial regulatory zoning. Staff added a provision to allow these businesses in an establishment holding an unlimited gaming license located in a Tourist Commercial regulatory zone. This modification to the Commission's direction allows casinos to have an Adult Revue business within the establishment.

In an earlier meeting, staff provided the Commission with a map illustrating the 18 potential locations in unincorporated Washoe County with Industrial zoning that meet the 1,000 foot distance restriction from residentially zoned property. Staff inspected each of these 18 locations for the 1,000 foot distance restriction from selected public uses. Each of those locations currently meet that distance restriction; however, two locations will be disqualified when the University's extension campus is completed south of Mt. Rose Highway. A revised map is provided with this staff report.

3. *Hours of operation: WCC §25.0531(15).* Staff recommends that the section limiting the operation of adult characterized businesses to no more than 17 hours in any 24 hour period be deleted. This item has been discussed during the Commission workshop, during the two Commission meetings, and during the waiver hearing for The Ore House.

**01-239 WASHOE COUNTY JUSTICE COURTS – SALARY
ASSIGNMENTS AND CLASSIFICATION RANGES**

Fidel Salcedo, Justice of the Peace, said there has been two studies conducted recently by the National Center for State Courts and the HayGroup for Washoe County employees. Judge Salcedo said the Justice Court requested County staff use salary information received from the Hay Study to compare and implement with their study, to reach comparable salary assignments and classification ranges. He reviewed the proposed salaries and classification ranges for the employees of the Justice Courts and requested the Board approve these today.

Judge Salcedo responded to questions of the Board concerning the proposed salaries and classification ranges, as well as the comments contained on the salary comparison chart relative to some of the Justice Court positions. Discussion was held concerning how certain positions compare to District Court Deputy Clerk I's and IT positions that were held out when the District Court salaries and classifications were previously approved. Commissioner Galloway stated that his intent in holding those District Court positions out was because he felt the Board would probably go with the Hay Study numbers for those jobs. If the Justice Court salaries are approved, the Board would be locked into doing the same for those District Court positions. Judge Salcedo advised that Human Resources reviewed those similar positions in Justice Court and applied the Hay Study formula to them. Commissioner Sferrazza expressed his concern that the Hay-Group arbitrarily changed the names of the Deputy Clerks in the Clerk's Office.

Nancy Parent, Chief Deputy County Clerk, read a statement into the record on behalf of Amy Harvey, County Clerk, dated March 13, 2001 [placed on file with the Clerk], setting forth concerns regarding the similarities of certain court positions with those of the Clerk's Office, and the disparity and inequity in the salary ranges of those court positions compared to the Hay Study salary and compensation results. Ms. Parent provided charts and job descriptions comparing various positions in the Clerk's Office with comparable positions in the District and Justice Courts.

Commissioner Galloway commented that, with some reluctance, when the Board approved the District Court salaries and compensation ranges, they concluded that the District Court and the County were not the same organization. The District Court employees did not have a contract that they would be bound with the Hay Study, and the HayGroup was never told there would be parity with another organization that does not report to the same boss. He said, if County employees are moved around, the entire Hay Study would be dumped.

Ms. Parent said that Ms. Harvey brought up in December the fact that all Deputy Clerks in District Court and in the Clerk's Office, but for the separation that occurred back in the 1970's, would be treated and evaluated the same, just like they are in Clark County. Commissioner Galloway commented that the Board did not authorize the higher pay for the Deputy Clerks in District Court based on the side-by-side issue and because District Court did not sufficiently argue that the job descriptions were significantly different. Ms. Parent stated that the County Clerk believes the Deputy Clerks who staff the County Commission meetings and the Court Clerks are extremely similar. Commissioner Galloway said that when he read the job descriptions, he saw differences. He noted that these are two different organizations and he thinks only those positions that mostly overlap on the side-by-side basis could possibly be brought into parity. Ms. Parent noted that reference has been made that there are two organizations, but these are all County employees that are paid by the County.

Commissioner Sferrazza commented that the bifurcation issue is in the Supreme Court and has not been resolved. This is the only county in the State where that situation exists. In most counties, all Deputy Clerks work for the County Clerk, and the County Clerk is the ex-officio Clerk for the Judges. The request today asks that the Board discriminate against employees based on some historical aberration in this County. He wants equity and does not think the Hay Study does that by calling Deputy Clerks something else and now those people supposedly have different jobs. The only way he will support today's recommendation is if the same thing is done for the County Commission Clerks. He said he voted for the Hay Study with the specific understanding that they would analyze the positions in this overlap area, and what they came back with is garbage. He thinks the Hay Study was a waste of money, if this inequity occurs.

Commissioner Sferrazza moved to approve the Justice Court request with the understanding that equity would be offered to the non-judicial County employees. The motion died for lack of a second.

Mark Gregersen, Assistant County Manager, stated Commissioner Sferazza's request would be impossible to deliver. Two different systems evaluated these jobs and equity for those different systems would be impossible. If equity were to be imposed onto the Hay recommendations, those positions would move up, and, since the Hay system is set up with all positions being evaluated relative to each other, the entire pay line for Hay would move up as a result.

Chairman Shaw stated he has a problem with the Justice Court picking the best salaries and compensation ranges from both studies, which he does not think is fair to the County. Mr. Gregersen advised that, in discussions with Human Resources regarding that issue, Judge Salcedo explained that most of the Justice Court recommendations are parallel to the Hay Study recommendations, with the exception of a couple of positions they felt needed to be parallel to the District Court structure.

Commissioner Galloway commented that there appears to be only one job on the Justice Court chart where the National Center's recommended maximum was less than Washoe County, which is the Deputy Clerk III. In every other case, the National Center's pay was higher. The Court Administrator II is the only position that does not compare to any position in the District Court. He suggested that the Justice salaries be approved except for the Court Administrator II position, which he would recommend be approved with a salary maximum of \$87,000.

Following further discussion, Commissioner Galloway stated that it would not be his intent to make the District and Justice Court salaries comparable to the Hay Study salaries and compensation ranges. He believes the Courts and the County are two different organizations and bringing the Hay Study salaries up to the Court salaries is not affordable.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Chairman Shaw voting "no," and Commissioner Sferazza "abstaining," it was ordered that the salary assignments and classification ranges for the Justice Court employees be approved retroactive to July 1, 2000, with the exception of the Justice Court Administrator II, which will have a maximum salary range of \$87,000.

**01-240 PUBLIC HEARING – WATER RIGHTS APPLICATIONS – TRI
WATER AND SEWER COMPANY – TAHOE RENO INDUSTRIAL
PROJECT AND PATRICK PROPERTIES – WATER RESOURCES**

5:30 p.m. This was the time set for continuation of hearing [see BCC item 00-167, February 20, 2001], published in the Reno Gazette-Journal on January 26, February 2, and February 9, 2001, to consider the recommendation to review Water Rights Applications 66533 and 66534, being Tri Water and Sewer Company's proposal to transfer 840.0 acre-feet from Permits 61551 and 61552 for use within the proposed Tahoe Reno Industrial Project and Patrick Properties and to formally recommend approval of same to the Nevada State Engineer. Proof was made that due and legal notice had been given.

Vahid Behmaram, Utility Services Division, provided information in response to questions of the Board concerning the zoning of the property the water rights would be transferred from, available water rights in the area, etc.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Nick Pavich, Reno resident, representing Patrick Properties, advised they are the equitable owners of the water rights being considered today. He reviewed background information concerning their acquisition of the property and plans for development. They have worked with Water Resources on how to serve their property, and this is a first step to move resources to infrastructure now being developed that can also serve Washoe County. Sierra Pacific, Tri Water and Sewer Company, and Patrick Properties have been asked by the State Engineer to submit information in support of their arguments on why or why not this transfer should be approved. They have transferred legal title to Tri Water and Sewer Company and have an agreement with them that they can withdraw this water at any time. Cooperation from Tri Water and Sewer and Storey County is expected. Washoe County and Storey County will need to get together to determine how to serve this water across County lines, but if that cooperation does not occur, they have the right to withdraw. They have good relations with Tri Water and Sewer and expect their continued support in moving forward with developing the water.

Mr. Behmaram responded to additional questions of the Board and stated that, if Patrick Properties owns the property and wants to develop, they certainly would want to keep and utilize the water toward the development of their own property; and that they can take back the water if the water is not committed to an approved project.

* * * * *

Katy Singlaub left the meeting and Mark Gregersen assumed her position at the dais.

Mr. Pavich then answered questions of the Board. Commissioner Gallo-way commented that the Board is only advising relative to this issue and, in this case, it would probably be sufficient to ask the State Engineer to simply look at the impacts on the Tracy Power Plant.

Brent Higginbotham, Tracy Power Plant Manager, advised that their concerns are the same as expressed two weeks ago regarding the transfer of water rights in this area. He said drilling a well next to their property to divert 840 acre-feet of water will drop the water table and jeopardize the operation of the plant. He questioned the recharge and permeability of the basin. They would prefer that pipelines be run from the existing point of diversion rather than drill wells adjacent to their wells and affect the quality and availability of the water required to run the plant. Mr. Higginbotham then responded to questions of the Board.

There being no one else wishing to speak, Chairman Shaw closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Sferazza, which motion duly carried, it was ordered that staff be directed to communicate to the State Engineer that Washoe County is not endorsing this transfer because of unresolved concerns; and that Washoe County requests that the State Engineer consider (1) the recharge capability of the basin and (2) there should be no adverse impact to the ability of the Tracy Power Plant to meet its water needs.

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There being no further business to come before the Board, the meeting adjourned at 6:20 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

*Minutes Prepared By:
Jeraldine Magee & Barbara Trow
Deputy County Clerks*